

treatment of diseases related to natural killer cells using adenosine A3 receptor agonists and pharmaceutical compositions comprising said agonists, and

Group II, claims 17-26, drawn to methods for treatment of diseases related to natural killer cells using NK cells *a priori* activated with at least one adenosine A3 receptor agonist.

The requirement for restriction is respectfully traversed. Reconsideration and withdrawal thereof are requested.

In order to be fully responsive to the Office Action, Applicant elects the invention of Group I, claims 1-16 and 27-35.

Claim 1, which is representative of the invention of Group I, relates to a method for activating natural killer (NK) cells in an individual comprising administering said individual with an effective amount of one or more adenosine A3 receptor agonists (A3RAg).

Claim 17, which is representative of the invention of Group II, relates to a method for treatment of a disease comprising administering to an individual in need of such treatment NK cells *a priori* activated with an effective amount of at least one A3RAg.

Applicants respectfully submit that the inventions of both of Groups I and II share the same mode of operation and both inventions have the same effect. That is, in both groups the final outcome of the treatment of the disease is achieved by the

activity of natural killers cells that have been activated by A3AR agonists. In this way, the natural killer cells are more effective in the body of the individual for combating disease (e.g. malignancy) caused by an infective agent such bacteria, virus or protozoa. For example, in Group I, activation takes place in vivo, whereas in Group II, activation takes place ex vivo. However, in both cases, the mode of operation, that is, the activation of NK-cells by A3AR agonists, and the ultimate physiological effect is identical. In this regard, the ultimate physiological effect in both cases is that a more active NK cell can better combat malignant cells, bacteria, viruses and protozoa.

Furthermore, due to the common mode of operation and due to the common ultimate physiological effect, the search for the two Groups should be identical and thus not place an undue burden on the Examiner.

Response to Election of Species Requirement

The Examiner indicates that if Group I is elected, then Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The requirement for election of species is respectfully traversed. Reconsideration and withdrawal thereof are requested.


Applicant elects the methods for activating natural killer cells in response to the election of species requirement. Claims 1-8 are encompassed by the elected species.

Favorable action on the merits is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Marc S. Weiner, #32,181

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

MSW/sh
4499-0107P